



FISCAL MEMORANDUM

HB 1867 - SB 1823

February 8, 2022

SUMMARY OF BILL AS AMENDED (013342): Mandates that an employer who requires a staff member provide proof of or receive a COVID-19 vaccination must grant an exemption if the staff member has a signed and dated medical exemption statement from a licensed healthcare professional or a stated religious belief. Details the provisions of the process employers must take in such situations. States that a violation of these standards is a civil penalty of \$10,000.

States that an employer need not reemploy a former staff member who was terminated prior to the effective date of the act unless that termination was based solely on the staff member seeking an exemption. States that an employer is not required to take or refrain from an action contrary to enforceable requirements imposed by the federal centers for Medicare and Medicaid services. Reaffirms that a person is not prohibited from requiring another person to provide proof of vaccination as a condition of entering that person's personal residence for purposes of providing products or services.

Instructs the Attorney General and Reporter (AG) to establish a process of reporting violations to these rules and allows for proceedings in the Williamson County chancery or circuit court or the chancery court in the county where the employer is located.

Establishes that a licensed healthcare provider who provides the signed statement requesting COVID-19 vaccination exemption is immune from civil liability and disciplinary action.

FISCAL IMPACT OF BILL AS AMENDED:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- It is expected that there will not be enough reports of violations to substantially impact the AG workload. Establishing a reporting process can be accomplished with existing staff and resources.
- For the employer to receive the punishment of a \$10,000 civil penalty, the supposed violation must go beyond an allegation and reach a proven assertion. There will not be a significant increase in revenue from collection of additional civil penalties.
- The proposed legislation provides an exemption from civil liability and disciplinary action for a licensed healthcare provider who provides the signed statement requesting

COVID-19 vaccination exemption; therefore, there will be no impact to the total number of court cases related to this provision.

- Currently, federal law mandates critical healthcare workers at facilities receiving funds from Medicaid and Medicare to receive the COVID-19 vaccine. Federal law provides for a medical or religious belief exemption to the mandate. Per this legislation, an employer is not required to take or refrain from an action contrary to enforceable requirements imposed by the federal centers for Medicare and Medicaid services; therefore, such entities will not be in jeopardy of losing federal funds by complying with the proposed legislation.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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